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In re Application of:	:	
HEIM, Manfred	:	
Application No.: 10/501,734	:	COMMUNICATION
PCT No.: PCT/EP03/00447	:	
Int. Filing Date: 17 January 2003	:	
Priority Date: 18 January 2002	:	
Attorney Docket No.: 2732-138	:	
For: SECURITY ELEMENT WITH FLIP-FLOP	:	
COLOR CHANGE EFFECT AND	:	
MAGNETIC PROPERTIES ...	:	

This communication is issued in response to the "Request For Corrected Filing Receipt And Notice Of Acceptance" filed 17 June 2005, and resubmitted on 21 June 2006, requesting correction of the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 17 January 2003, applicant filed international application PCT/EP03/00447. The international application claimed a priority date of 16 January 2002, and it designated the United States. On 24 July 2003, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 18 July 2004.

On 16 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 03 March 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 26 April 2005, applicant filed a response to the Notification Of Missing Requirements consisting of an executed declaration in compliance with 37 CFR 1.497 and the required surcharge payment.

On 13 May 2005, the DO/EO/US mailed a Notification Of Acceptance (Form PCT/DO/EO/903) that identified 26 April 2005 as the "Date Of Completion Of All 35 U.S.C. 371(c) Requirements." However, the Notification Of Acceptance identified 25 April 2005 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), And (c)(4) Requirements."

Also on 13 May 2005, the USPTO issued a filing receipt identifying 25 April 2005 as the 35 U.S.C. 371(c) date.

On 17 June 2005, applicants filed the "Request For Corrected Filing Receipt And Notice Of Acceptance" considered herein (the materials were resubmitted on 21 June 2006). The submission requests that a corrected filing receipt and Notification Of Acceptance be issued which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 26 April 2005.

This application has since proceeded to patent; the Issue Notification was mailed by the USPTO on 12 July 2006.

DISCUSSION

A review of the application file confirms that the declaration completing the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was filed herein on 26 April 2005, not 25 April 2005. Accordingly, the 25 April 2005 date listed on the Notification of Acceptance and the filing receipt were entered in error by the USPTO. As indicated by applicants in the present submission, these dates should have been entered as 26 April 2005.

However, because this application has proceeded to patent and has already been prepared for publication, it is too late for the 35 U.S.C. 371(c) date to be corrected on the patent. Rather, applicants must file a request for a Certificate Of Correction in order to correct the 35 U.S.C. 371(c) date listed on the patent.

CONCLUSION

It is hereby confirmed that the correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is **26 April 2005**. However, the granted patent has proceeded too far along the process towards publication for this date to be corrected at this time.

Correction of the 35 U.S.C. 371(c) date in the application will require the filing of a Certificate Of Correction after the patent has been published.



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